



# Orientation For Scope of Practice and New Credentialing Reviews

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# What is Credentialing Review?

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An executive review process, not a legislative process.  
Credentialing Review:

- Evaluates specific proposals for making changes to the scope of practice of a health profession using statutory criteria to evaluate and make recommendations
- Advises the Legislature pertinent to health care implications of these proposals
- Is primarily concerned about the public welfare



# What is the Purpose of Credentialing Review?

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- To provide policymakers with a source of information on credentialing issues that is independent of interest groups and lobbying groups
- To focus discussion on health issues and away from turf and politics
- To establish an “as needed” philosophy on proposed changes in credentialing



# The Philosophy of the Program

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- Regulate only when necessary to protect the public
- The least amount of regulation is the best – regulate or increase regulation only when it is clearly necessary to protect the public
- Proposals must be both necessary and sufficient to address harm and problems



# How Many Types of Reviews are There?

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- There are two types of reviews:
  - Reviews for professions not currently regulated (which may take several forms)
  - Reviews for changes in scopes of practice



# How Many Review Bodies Are There?

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- There are three review bodies:
  - Technical Committees (Ad hoc)
  - The State Board of Health
  - The Director of the Division of Public Health, Department of Health and Human Services
- Each review is independent, but is based upon the same application and criteria



# What are the Meeting Formats?

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- Meeting formats used for Technical Committee reviews:
  - Orientation and initial discussion on issues (one meeting)
  - Discussion on the proposal (one or more meetings)
  - Formulation of preliminary recommendations on the proposal (one or more meetings)
  - Public hearing on the proposal and preliminary recommendations (one meeting)
  - Formulation of final recommendations on the proposal (one or more meetings)
  - Approval of the report of recommendations (one meeting – usually a teleconference)



# Meeting Formats (Continued)

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- Format for the review of the Board of Health:
  - The review by the Board's Credentialing Review Committee
  - The review by the full Board of Health
- Reviews of the Division Director do not utilize public meetings





# Charge to Technical Committees

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- Formation, membership, chairperson
- Attend all meetings, read all materials
- Critical review using criteria, exploring all sides of the issues, asking questions, being objective, open, and thorough
  - 1) Set aside all preconceptions on the issues
- Prepare a report of recommendations
- The role of public members
  - 1) Represent the public, consumers
- The role of professional members
  - 1) Provide knowledge, expertise, professional judgment



# The Six Statutory Criteria

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- There are Six statutory criteria.
- Purpose of the criteria:

Criteria are guides to analysis and tools for making recommendations
- Final recommendations on proposals are made via a single 'up or down' vote on the proposal under review, but action is also required on each statutory criterion



# The Six Scope of Practice Criteria

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- The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice
- Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public
- The proposed change in scope of practice does not create a significant new danger to the health, safety or welfare of the public
- The current education and training for the health profession adequately prepares practitioners to perform the new skill or service



# The Six Criteria (Continued)

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- There are appropriate post-professional programs and competency assessment measures available to assure that the practitioner is competent to perform the new skill or service in a safe manner
- There are adequate measures to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently



# Criteria for Credentialing a New Health Profession

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1. Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public (Or, Absence of a separate regulated profession creates a situation of harm or danger to the health, safety, or welfare of the public)
2. Regulation of the health profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest (Or, Creation of a separate regulated profession would not create a significant new danger to the health, safety, or welfare of the public)
3. The public needs assurance from the State of initial and continuing professional ability (Or, Creation of a separate regulated profession would benefit the health, safety, or welfare of the public)
4. The public cannot be protected by a more effective alternative



# Application / Proposal / Amendment / Information(data)

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- Proposals are the ideas for making changes in credentialing of health professions
- Applications are the documents that contain these ideas for change
- Applicant groups may only amend the proposal with the committee's approval
- Committees may suggest amendments to applicant groups, subject to applicant group acceptance
- Amendments to proposals should be made prior to the date of the public hearing
- Amendments do not necessarily require an applicant group to rewrite or edit their original application
- Any Information (or data) provided by an applicant group is considered supporting documentation



# The Open Meetings Act

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- Discussion of issues and conduct of committee business must be done at formally noticed meetings
- There are no closed sessions in this program
- Any gathering of a quorum of a technical review committee that discusses committee business and which has not been duly 'noticed' in public media is in violation of the Open Meetings Act
- The public must be allowed to speak during at least one meeting of a series of meetings in this program



# Committee Member Interaction: Internal Versus External

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- Lobbying of committee members is not appropriate in Credentialing Review
- All information needs to be shared among all committee members
- Liaison between committee members' professions and the rest of the committee is encouraged
- It is not appropriate for committee members to attempt to manipulate or exert undue influence on fellow committee members or on members of the public





# Committee Member Interaction: Public Participation at TRC Meetings

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- Meetings should be used to discuss information or ideas that have already been made available to TRC members in advance so that they have sufficient time to formulate comments and questions. The following are policy guidelines regarding this:
  - 1) New information needs to be submitted to staff in writing no less than two working days prior to the scheduled date of a TRC meeting
  - 2) Program staff will then distribute the new information to the TRC members in time for them to review it before the next scheduled meeting
  - 3) During the next committee meeting the role of those submitting such information is to respond to questions asked by the committee members
  - 4) The committees want dialog about pertinent information that they have had time to review and digest



# The Role of Staff

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- Guide members on procedures
- Schedule and organize meetings
- Maintain all documents and records
- Draft all minutes and reports and submit to the committee for approval
- Staff maintains neutrality on all issues under review



# Program Rules of Evidence

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- All data or assertions of fact presented during the course of a credentialing review must be supported by appropriate documentation prior to the creation of any reports that emerge from the review process
- Documentation means the identification of a credible source for the data or information presented



# Program Rules of Evidence, Cont'd

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- Documentation also means that the source of the data or information is provided to the review panel members
- Any data or assertions of fact that are not supported by appropriate documentation will not be included in any of the reports that emerge from the review process and may not be considered in formulating recommendations



# Documents

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- Staff 'logs', distributes documents received to the committee, and places them on the program website at [http://dhhs.ne.gov/Pages/reg\\_admcr.aspx](http://dhhs.ne.gov/Pages/reg_admcr.aspx), if possible
- Copies of documents are to be provided to committee members in advance of the next meeting, time permitting, either electronically or by traditional mail, otherwise they will be handed out at that meeting
- Committee members are asked to share documents e-mailed to them from the public with one another and staff
- Every document submitted is part of the record of the review and as such becomes a public document
- Large texts will be circulated



# Operational Guidelines

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- Travel and lodging reimbursement
- Parking reimbursement
- Use worksheets provided by staff
- Submit reimbursement documents after each meeting



# Contact information

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- Website information:  
[http://dhhs.ne.gov/Pages/reg\\_admcr.aspx](http://dhhs.ne.gov/Pages/reg_admcr.aspx)

- Contact information for program staff:

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